

CITY OF NEWPORT, KY
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
January 24, 2021, 7:00 PM

To be Conducted Virtually [Facebook.com/CityofNewportKY](https://www.facebook.com/CityofNewportKY)

AGENDA

NOTICE TO THE PUBLIC

Due to continuing Covid-19 pandemic concerns this meeting is legally authorized to be held virtually in conjunction with a live Facebook stream. The public can access the meeting through the live stream [Facebook.com/CityofNewportKY](https://www.facebook.com/CityofNewportKY) and ask questions/make comments by posting in the comments section during the designated Public Forum period.

CALL TO ORDER

Invocation, Pledge of Allegiance, Roll Call

PRESENTATIONS, AWARDS, PROCLAMATIONS

None

PERSONNEL ORDERS

COMMISSIONERS ORDER R-2022-001

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, APPOINTING AUSTIN G. KRESSER TO THE POSITION OF FIRE/MEDIC GRADE 3 IN THE NEWPORT FIRE/EMS DEPARTMENT EFFECTIVE JANUARY 25, 2022

COMMISSIONERS ORDER R-2022-002

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, APPOINTING WILLIAM G. MURPHY TO THE POSITION OF FIRE/MEDIC GRADE 3 IN THE NEWPORT FIRE/EMS DEPARTMENT EFFECTIVE JANUARY 25, 2022

COMMISSIONERS ORDER R-2022-003

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, APPOINTING MATTHEW J. GARRETT TO THE POSITION OF FIRE/MEDIC GRADE 3 IN THE NEWPORT FIRE/EMS DEPARTMENT EFFECTIVE JANUARY 25, 2022

COMMISSIONERS ORDER R-2022-004

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, PROMOTING ENGINEER/MEDIC CHRISTOPHER A. HOLMES TO THE RANK OF LIEUTENANT IN THE NEWPORT FIRE/EMS DEPARTMENT EFFECTIVE JANUARY 1, 2022

COMMISSIONERS ORDER R-2022-005

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, PROMOTING FIRE/MEDIC GRADE 3 DANIEL A. VERKAMP TO THE RANK OF ENGINEER/MEDIC GRADE 1 IN THE NEWPORT FIRE/EMS DEPARTMENT EFFECTIVE SEPTEMBER 1, 2021

PUBLIC HEARINGS

None

PUBLIC FORUM**APPROVAL OF MINUTES**

- Regular Meeting Minutes December 13, 2021

OLD BUSINESS**COMMISSIONERS ORDINANCE O-2021-021**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF NEWPORT, KENTUCKY

NEW BUSINESS**COMMISSIONERS ORDER R-2022-006**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CONCERNING THE ARPA ALLOCATION

COMMISSIONERS ORDER R-2022-007

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY REAPPOINTING JUDITH LLOYD AND JERRY NEWBERRY AS MEMBERS OF THE BOARD OF ADJUSTMENTS OF THE CITY OF NEWPORT, KENTUCKY EACH FOR A TWO-YEAR TERM EXPIRING JANUARY 31, 2024

COMMISSIONERS ORDER R-2022-008

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY REAPPOINTING NEAL CONNOR AND JOE KLARE AS MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEWPORT, KENTUCKY FOR THE REMAINDER OF A FOUR-YEAR TERM EXPIRING JANUARY 31, 2025

COMMISSIONERS ORDER R-2022-009

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY REAPPOINTING BILL KREUTZJANS AND RONALD RAWE AS MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEWPORT, KENTUCKY EACH FOR A FOUR-YEAR TERM EXPIRING JANUARY 31, 2026

COMMISSIONERS ORDINANCE O-2022-001

AN ORDINANCE OF THE BORD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 93.63 OF THE CODE OF ORDINANCES CONCERNING OUTDOOR DINING AND SEATING UPON CITY SIDEWALKS AND/OR RIGHTS-OF-WAY

DEPARTMENT HEAD COMMENTS**CITY MANAGER COMMENTS****BOARD OF COMMISSIONERS COMMENTS****ADJOURNMENT*****Board of Commissioners Upcoming Scheduled Meetings 2022:***

- February 14 (Caucus)
- February 28
- March 14 (Caucus)
- March 28
- April 11 (Caucus)
- April 25
- May 9 (Caucus)
- May 23
- June 27
- July 18
- August 22
- September 19
- October 3 (Caucus)
- October 24
- November 21
- December 12

COMMISSIONERS ORDINANCE O-2021-021

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE CITY OF NEWPORT, KENTUCKY ENACTING AND
ADOPTING A SUPPLEMENT TO THE CODE OF
ORDINANCES OF THE CITY OF NEWPORT, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2020 S-12 Supplement to the Code of Ordinances of the City of Newport, which supplement contains all Ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes; and,

WHEREAS, it is the intent of the City of Newport to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Newport:

SECTION I

That the 2020 S-2012 supplement to the Code of Ordinances of the City of Newport, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, is hereby adopted by reference as if set out in its entirety.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication.

PASSED 1st READING: December 13, 2021

PASSED 2nd READING: January 24, 2022

THOMAS L. GUIDUGLI, JR., MAYOR

ATTEST:

JANIE PATTERSON, CITY CLERK

PUBLISHED: Online on the City website, www.newportky.gov, with URL reference published in the Campbell County Recorder the _____ of _____, 2021 per KRS 424.145

COMMISSIONERS RESOLUTION NO.R-2022-006

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF
NEWPORT, KENTUCKY CONCERNING THE ARPA ALLOCATION

IT IS HERERBY RESOLVED that the City of Newport, Kentucky hereby
acknowledges the final American Rescue Plan Act (ARPA) final Rule which permits
revenue loss up to Ten Million (\$10,000,000.00) Dollars and recognizes and accepts the
City's total allocation as revenue loss, as evidenced by the signature of the Mayor set
forth below and attested to by the City Clerk this 24th day of January, 2022.

MAYOR THOMAS L. GUIDUGLI, JR.

ATTEST:

JANIE PATTERSON
City Clerk

COMMISSIONERS ORDER NO R-2022-007

**AN ORDER OF THE BOARD OF COMMISSIONERS OF
THE CITY OF NEWPORT, KENTUCKY REAPPOINTING
JUDITH LLOYD AND JERRY NEWBERRY AS MEMBERS
OF THE BOARD OF ADJUSTMENTS OF THE CITY OF
NEWPORT, KENTUCKY EACH FOR A TWO-YEAR TERM
EXPIRING JANUARY 31, 2024**

BE IT ORDERED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That Judith Lloyd and Jerry Newberry, be and hereby are reappointed as members of the Board of Adjustments of the City of Newport, Kentucky each for a two-year term expiring January 31, 2024.

SECTION II

That this Order shall be signed by the Mayor, attested by the City Clerk, recorded and effective upon adoption.

ADOPTED: January 24, 2022

THOMAS L. GUIDUGLI JR., MAYOR

ATTEST:

JANIE PATTERSON, CITY CLERK

COMMISSIONERS ORDER NO R-2022-008

**AN ORDER OF THE BOARD OF COMMISSIONERS OF
THE CITY OF NEWPORT, KENTUCKY REAPPOINTING
NEAL CONNOR AND JOE KLARE AS MEMBERS OF THE
PLANNING AND ZONING COMMISSION OF THE CITY OF
NEWPORT, KENTUCKY FOR THE REMAINDER OF A
FOUR-YEAR TERM EXPIRING JANUARY 31, 2025**

BE IT ORDERED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That Neal Connor and Joe Klare, be and hereby are reappointed as members of the Planning and Zoning Commission of the City of Newport, Kentucky for the remainder of a four-year term expiring January 31, 2025.

SECTION II

That this Order shall be signed by the Mayor, attested by the City Clerk, recorded and effective upon adoption.

ADOPTED: January 24, 2022

THOMAS L. GUIDUGLI JR., MAYOR

ATTEST:

JANIE PATTERSON, CITY CLERK

COMMISSIONERS ORDER NO R-2022-009

**AN ORDER OF THE BOARD OF COMMISSIONERS OF
THE CITY OF NEWPORT, KENTUCKY REAPPOINTING
BILL KREUTZJANS AND RONALD RAWE AS MEMBERS
OF THE PLANNING AND ZONING COMMISSION OF THE
CITY OF NEWPORT, KENTUCKY EACH FOR A FOUR-
YEAR TERM EXPIRING JANUARY 31, 2026**

BE IT ORDERED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That Bill Kreutzjans and Ronald Rawe, be and hereby are reappointed as members of the Planning and Zoning Commission of the City of Newport, Kentucky each for a four-year term expiring January 31, 2026.

SECTION II

That this Order shall be signed by the Mayor, attested by the City Clerk, recorded and effective upon adoption.

ADOPTED: January 24, 2022

THOMAS L. GUIDUGLI JR., MAYOR

ATTEST:

JANIE PATTERSON, CITY CLERK

COMMISSIONERS ORDINANCE NO. 001

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 93.63 OF THE CODE OF ORDINANCES CONCERNING OUTDOOR DINING AND SEATING UPON CITY SIDEWALKS AND/OR RIGHTS-OF-WAY

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY, as follows:

SECTION I

That Sections 93.63 of the Code of Ordinances shall be and are hereby amended to read, as follows:

SECTION 93.63 OUTDOOR DINING/SEATING UPON CITY SIDEWALKS AND/OR RIGHTS-OF-WAY

(A) (1) Tables and chairs used for outdoor dining or seating shall be permitted upon City sidewalks and rights-of-way located within the Central Business District and Riverfront Development Zones ~~and Central Business District Fringe Zones~~, and upon outdoor patios or other clearly defined areas established for such use located within the Shopping Center Zone, in front of or alongside and placed up against the building of any establishment ~~holding a valid occupational license for the sale of~~ serving food and/or beverages or providing seating only upon the issuance of a Permit Agreement (Alcohol or Non-alcohol as may be required) with the City authorizing such activity based upon the terms and conditions as set forth therein, so long as the same shall not obstruct, impede or endanger the free flow of pedestrian traffic. Such Permit Agreement shall limit the time of usage to no later than midnight, local time, every evening of every day of the week.

(2) Such activity for establishments licensed to sell alcoholic beverages shall also be restricted to the Central Business District, ~~Central Business District Fringe~~ Shopping Center and Riverfront Development Zones and within the Central Business District Fringe Zone and any Residential Zones pursuant to the provisions set forth in subsections (4), (5) and (6) hereof.

(3) ~~The City shall assess an annual fee of \$50 for the issuance and renewal of any Permit Agreement. There shall be no fee assessed for the issuance or renewal of any Permit Agreement.~~

(4) Such activity for any type of establishment located within any Residential Zone or the Central Business District Fringe Zone of the City may be permitted under the following conditions. The requesting establishment shall first be required to make application for the appropriate Permit Agreement. Thereafter, the City shall conduct a public sentiment survey on a form created and provided by the City Licensing Department and sent to the owners/occupiers of all real property located within a fifty (50) yard radius of the applicants location. Within thirty (30) days thereof the application

and all returned public sentiment surveys shall be reviewed and a determination to grant or deny based thereon shall be made the City with the applicant advised accordingly. If approved, the Permit Agreement shall be issued immediately. If denied, the reasons shall be set forth in the notification to the applicant.

(5) Any Permit Agreement issued to any type of establishment located within any Residential Zones or the Central Business District Fringe Zone of the City shall be subject to annual renewal. All other Permit Agreements shall automatically renew and continue in existence until surrendered or revoked.

(6) All such Permit Agreements issued to any type of establishment located within the Residential or Central Business District Fringe Zones of the City shall limit the time of usage to no later than 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday.

~~(B)~~ (7) Initial applications for such Permit Agreements in all permitted Zones shall be made to the City License Inspector/Alcoholic Beverage Control Administrator, or designee, and approved-reviewed for approval or denial by the City Manager. Any initial application denied may be appealed to the City's Code Enforcement Board for approval. Any such existing Permit Agreement may be suspended or revoked, for cause, upon hearing before the City Manager City's Code Enforcement Board.

~~(C)~~ (8) Any applicant may appeal the denial of any initial application or any licensee may appeal the suspension or revocation of any existing Permit Agreement made by the City's Code Enforcement Board within 30 days to the Circuit Court as provided by law.

~~(D)~~ (B) Any commercial building located within any zone of the City having permitted outdoor dining or seating hereunder may install acceptable awnings upon the front and side façade of the building which abuts any City sidewalk, the construction of which may encroach upon any City rights-of-way and would otherwise be prohibited. Such awning shall be subject to guidelines and restrictions set forth in provisions promulgated by Executive Order with regard thereto. The owner or occupant of any such commercial building shall first be required to obtain the requisite building permit from the City prior to any awning installation.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, published and be effective upon publication.

PASSED: 1st Reading:

PASSED: 2nd Reading:

MAYOR THOMAS L. GUIDUGLI, JR.

ATTEST:

JANIE PATTERSON, CITY CLERK

Published:

OUTDOOR DINING ORDINANCE CHANGE